

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL T. BAN,

Defendant.

4:23CR3053

ORDER

A hearing was set and held today on defense counsel's motion to withdraw. Defendant received notice of the hearing and instructions on how to participate, but he did not attend and has not contacted the court or his counsel to explain his absence. Defense counsel explained she moved to withdraw because Defendant is dissatisfied with her representation and is unable to afford additional attorney fees.

The order setting Defendant's conditions of release required him to attend all hearings. He violated that order by failing to attend the hearing on the motion to withdraw.

Accordingly,

- 1) On or before July 25, 2023, Defendant shall file a notice with the court stating whether he wishes to proceed without an attorney, has retained a new attorney, or now seeks appointment of counsel.
- 2) If Defendant is seeking court-appointed counsel, on or before July 25, 2023, he shall complete and sign a financial affidavit form (a copy of which is attached) and send it to zwart@ned.uscourts.gov for my consideration. As to any real estate owned, Defendant must state both the value of the real estate and the amount of any debt remaining for that property.
- 3) If the defendant fails to timely comply with this order, a Petition will be filed based on Defendant's violations of his pretrial release order, and the court will issue a warrant for Defendant's arrest.

- 4) Defendant's sentencing remains scheduled to be held before Judge John M. Gerrard on July 28, 2023 at 9:00 a.m. in Courtroom 1, Lincoln Federal Building, 100 Centennial Mall N., Lincoln NE 68508. Defendant is required to appear at that hearing in person.
- 5) The clerk shall mail a copy of this order to Defendant at 21990 County Road 37, Elbert, CO 80106.

Dated this 11th day of July, 2023.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☒ DISTRICT COURT ☐ COURT OF APPEALS ☐ OTHER (Specify Below)

IN THE CASE OF

U.S. V. MICHAEL T. BAN

FOR

AT

LOCATION
NUMBER

PERSON REPRESENTED (Show your full name)

CHARGE/OFFENSE (Describe if applicable & check box→)

☐ Felony

☒ Misdemeanor

- 1 ☒ Defendant - Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Supervised Release Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other (Specify) _____

DOCKET NUMBERS

Magistrate Judge

District Court

4:23CR3053

Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS	EMPLOYMENT	Do you have a job? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, how much do you earn per month? _____ Will you still have a job after this arrest? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown																				
	PROPERTY	Do you own any of the following, and if so, what is it worth? <table><thead><tr><th></th><th>APPROXIMATE VALUE</th><th>DESCRIPTION & AMOUNT OWED</th></tr></thead><tbody><tr><td>Home</td><td>\$ _____</td><td>_____</td></tr><tr><td>Car/Truck/Vehicle</td><td>\$ _____</td><td>_____</td></tr><tr><td>Boat</td><td>\$ _____</td><td>_____</td></tr><tr><td>Stocks/bonds</td><td>\$ _____</td><td>_____</td></tr><tr><td>Other property</td><td>\$ _____</td><td>_____</td></tr></tbody></table>				APPROXIMATE VALUE	DESCRIPTION & AMOUNT OWED	Home	\$ _____	_____	Car/Truck/Vehicle	\$ _____	_____	Boat	\$ _____	_____	Stocks/bonds	\$ _____	_____	Other property	\$ _____	_____
		APPROXIMATE VALUE	DESCRIPTION & AMOUNT OWED																			
Home	\$ _____	_____																				
Car/Truck/Vehicle	\$ _____	_____																				
Boat	\$ _____	_____																				
Stocks/bonds	\$ _____	_____																				
Other property	\$ _____	_____																				
CASH & BANK ACCOUNTS	Do you have any cash, or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, give the total approximate amount after monthly expenses \$ _____																					
OBLIGATIONS, EXPENSES, & DEBTS	How many people do you financially support? _____																					
	BILLS & DEBTS	MONTHLY EXPENSE	TOTAL DEBT																			
	Housing	\$ _____	\$ _____																			
	Groceries	\$ _____	\$ _____																			
	Medical expenses	\$ _____	\$ _____																			
	Utilities	\$ _____	\$ _____																			
	Credit cards	\$ _____	\$ _____																			
	Car/Truck/Vehicle	\$ _____	\$ _____																			
	Childcare	\$ _____	\$ _____																			
	Child support	\$ _____	\$ _____																			
	Insurance	\$ _____	\$ _____																			
	Loans	\$ _____	\$ _____																			
	Fines	\$ _____	\$ _____																			
	Other	\$ _____	\$ _____																			

I certify under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF DEFENDANT
(OR PERSON SEEKING REPRESENTATION)

Date